

REMARKS

Claims 1 to 66 were pending in the application at the time of examination. Claims 1, 17, 34 and 50 stand provisionally rejected for obviousness type double patenting. Claims 1, 2, 5, 9, 17 to 19, 22, 26, 34, 35, 38, 42, 50 to 52, 55 and 59 stand rejected as obvious. Claims 3, 4, 6 to 8, 10 to 16, 20, 21, 23 to 25, 27 to 33, 36, 37, 39 to 41, 43 to 49, 53, 54, 56 to 58, and 60 to 66 stand objected to for being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Responsibility for the above application has been transferred to the undersigned Attorney. Please direct all further correspondence to the undersigned attorney. A Revocation of Attorney and Appointment of New Attorney will be submitted under separate cover.

In view of the Examiner's comments that inherent properties of the claims were considered in the rejection, Applicants have amended Claims 1, 17, 34, and 50 to explicitly recite these properties as requested by the Examiner. Accordingly, the amendments to Claims 1, 17, 34, and 50 do not require consideration of new issues or a new search.

Claims 1, 17, 34 and 50 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 67, 83, 100 and 111 of copending U.S. Patent Application Serial No. 09/948,392.

Applicants note that the Examiner has indicated that this rejection will be held until the claims are in condition for allowance. Applicants also note that Claims 67, 83, 100 and 111 have been canceled in copending application and so render the rejection as given moot. Nevertheless, upon indication of entry of this paper and allowance of the claims, Applicants will submit a terminal disclaimer to render moot this rejection

and any new obviousness-type double patenting rejection based upon the allowed claims in the copending application.

In view of the objection to Claims 3, 4, 6 to 8, 10 to 16, 20, 21, 23 to 25, 27 to 33, 36, 37, 39 to 41, 43 to 49, 53, 54, 56 to 58, and 60 to 66 for being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims, Applicants have amended the claims as follows:

Claim 3 has been amended to include the limitations of Claims 1 and 2;

Claim 6 has been amended to include the limitations of Claims 1 and 5;

Claim 10 has been amended to include the limitations of Claims 1 and 9;

Claim 20 has been amended to include the limitations of Claims 17 to 19;

Claim 23 has been amended to include the limitations of Claims 17, 18 and 22;

Claim 27 has been amended to include the limitations of Claims 17, 18 and 26;

Claim 36 has been amended to include the limitations of Claims 34 and 35;

Claim 38 has been amended to depend from Claim 36;

Claim 42 has been amended to depend from Claim 36;

Claim 53 has been amended to include the limitations of claims 50 to 52;

Claim 55 has been amended to depend from Claim 53;  
and

Claim 59 has been amended to depend from Claim 53.

Thus, in view of the objections, Applicants respectfully submit that upon entry of this paper, Claims 3, 4, 6 to 8, 10 to 16, 20, 21, 23 to 25, 27 to 33, 36 to 49 and 53 to 66 are in condition for allowance. Applicants respectfully request

reconsideration and allowance of each of Claims 3, 4, 6 to 8, 10 to 16, 20, 21, 23 to 25, 27 to 33, 36 to 49 and 53 to 66

Claims 1, 2, 5, 9, 17 to 19, 22, 26, 34, 35, 38, 42, 50 to 52, 55 and 59 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Admitted Prior Art in view of U.S. Patent No. 6,023,579, hereinafter referred to as Hellgren. The Examiner stated in part:

It would have been obvious that the interfaces are Java interfaces since the client is in any type of client programming language (col. 3, lines to 1 to 3) . . .

Applicants respectfully submit that this mischaracterizes the teaching of Hellgren. Those of skill in the art know that "CORBA is independent of the programming language used to construct clients and implementations," (See Attachment 1, which is a print out of web page of the Object Management Group) and this is all the reference stated at the cited location. The "ORB" in Attachment 1 is element 16 in Fig. 2 of Hellgren. The fact that a client can be written in any language fails to teach anything concerning a modification to the COBRA system of Hellgren.

The system of Hellgren worked for its intended purpose and so there is no motivation to modify the reference or to apply the teachings to some other application. Those of skill in the art could use the system to generate the described interfaces to the repository. The rejection has failed to establish, in view of Hellgren, why some other configuration would even be considered by those of skill in the art since the Hellgren system provides access to the repository from a client program.

Moreover, the system of Hellgren teaches away from Applicants' invention as recited in Claim 1. Hellgren in Figs. 3A to 3C and 4A to 4E shows a complex process that works for only metaclasses and associated features of those classes. This teaches away from a system that automatically and

dynamically generates different interfaces based upon a received request as recited in Claim 1. With respect to an obviousness rejection, the MPEP requires:

A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.

MPEP § 2141.02, 8th Ed., Rev. 2, pg. 2100-127 (May 2004).

By teaching a client language independent system and by teaching that the system functions to access a repository using metaclasses, Hellgren fails to provide any motivation for developing a different system. Thus, the cited prior art fails to provide any motivation for changing the admitted prior art. Applicants respectfully requests reconsideration and withdrawal of the obviousness rejection of Claim 1.

Claims 2, 5, and 9 depend from Claim 1 and so distinguish over the combination of references for at least the same reasons as Claims 1. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 2, 5 and 9.

Applicants respectfully traverse the rejection of Claim 17. The above comments and quotation from the MPEP are incorporated herein by reference. In addition, the Examiner has cited no teaching in the secondary reference of making a decision upon whether to implement an interface or to execute a stored interface as recited in Claim 17. Thus, the reference further teaches away from the invention as recited in Claim 17.

Claims 18, 19, 22, and 26 depend from Claim 17 and so distinguish over the combination of references for at least the same reasons as Claims 17. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 18, 19, 22, and 26.

Applicants respectfully traverse the obviousness rejection of Claim 34. The above remarks concerning Claim 1 and the prior art are applicable to Claim 34 and are incorporated

herein by reference. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of Claim 34.

Claim 35 depends from Claim 34 and so distinguishes over the combination of references for at least the same reasons as Claims 34. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of Claim 35.

Claims 38 and 42 have been amended to depend from a Claim that was indicated as reciting patentable subject matter. Accordingly, the amendments to Claims 38 and 42 render the obviousness rejection of these claims moot. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claim 38 and 42.

Applicants respectfully traverse the obviousness rejections of Claims 50 and 52. The above remarks concerning Claim 17 and the prior art are applicable to Claim 50 and are incorporated herein by reference. Similarly, the above remarks concerning Claims 18 and 19 and the prior art are applicable to Claims 51 and 52, respectively, and are incorporated herein by reference. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 50 and 52.

Claims 55 and 59 have been amended to depend from a Claim that was indicated as reciting patentable subject matter. Accordingly, the amendments to Claims 55 and 59 render the obviousness rejection of these claims moot. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claim 55 and 59.

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Claims 1 to 66 remain in the application. Claims 1, 3, 6, 10, 17, 20, 23, 27, 34, 36, 38, 42, 50, 53, 55, and 59 have been amended. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 19, 2005.

  
Forrest Gunnison  
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April 19, 2005  
Date of Signature

Respectfully submitted,



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